REMARKS

Claims 2-15 are all the claims pending in the application. Claims 2-3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi (US 6,271,934) in view of Bernardi (US 6,021,278). Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Bernardi and Wong (US 6,557,102). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Bernardi and Hisatake (US 5,669,040). Claims 8 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Bernardi and Enomoto (US 6,034,759). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Bernardi and well-known prior art. Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Bernardi and Higurashi (US 6,011,896). Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Bernardi, Wong (US 6,557,102) and Kashiyama (US 6,295,415). Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Bernardi, Wong, Kashiyama and obvious engineering design choice. Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Bernardi, Hisatake and Enomoto. Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Bernardi, well-known prior art and Enomoto.

Descriptions of the art previously of record are set forth in the April 11, 2005 Amendment at pages 6-7. Applicant refers the Examiner to these descriptions.

Turning to the newly cited art, Higurashi relates to a method of recording video signal.

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Kashiyama relates to a camera for recording information such that in an automatic

exposure bracketing mode or an AE lock mode, information indicating that printing be

performed under the same condition is recorded at the frames in the stated mode.

The Examiner contends that the combination of Hayashi and Bernardi teach each feature

of independent claim 2. The Examiner contends that Hayashi discloses previously setting at

least one user command representing a condition of an image or a direction of correction of the

image, and at least one image correction condition corresponding to the user command. The

Examiner further contends that in Hayashi, the user inputs the command to either update the

conversion table or use the previous value and the system, based on this command, updates the

reference data used to correct the conversion table. According to the Examiner, the single user

command sets a plurality of image correction conditions of different intensities. Office Action,

page 8, paragraph 2. Applicant respectfully requests that the prior art rejection be withdrawn.

First, in the Amendment of April 11, 2005, it was argued that Hayashi does not teach

plural image correction conditions having different intensities. The Examiner continues to rely

on cols. 16-17 to teach this aspect of claim 2. However, the cited columns merely describe that a

corrected table can be updated or not updated, or that a whiteness correction for background can

be selected to be performed or not be performed. The Examiner appears to contend that the

inclusion of the different categories of correction would indicate multiple intensities. Applicant

would note that the claim describes plural densities per correction instruction and also correction

of plural images based on the image correction conditions. The correction in different classes

would not require correction in relation to different intensities for one class of correction.

Further, according to the Examiner's statement, the conditions are set based on input. This

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would suggest one-to-one forms of correction for an image, rather than correction for multiple

images as claimed.

Second, Hayashi, the user command only chooses whether to update the reference data or

to use the previous reference data. If user chooses to use the previous reference data, no image

correction condition is changed. If user chooses to update reference data, the image correction

condition is updated according to other inputs. For example, when an EXECUTION for a

copying operation is specified, the auto color calibration for the copying operation is carried out.

See col. 14, lines 19-24 and fig. 12. During the auto color calibration, the reference data is

updated based on the detected input-output characteristic of the image forming apparatus. Step

902-903 and 907 in fig. 12, col. 15, lines 39-51 and col. 21, lines 37-41. The user command

itself does not represent a condition of an image or a direction of correction of the image. It

merely indicates whether or not to proceed with certain operations, such as the auto color

calibration or the background correction. For this reason, Hayashi does not disclose previously

setting at least one verbal command representing a condition of an image or a direction of

correction of the image, and at least one image correction condition corresponding to the user

command, as asserted by the Examiner.

Third, the Examiner concedes that Hayashi does not include command of verbal

expression but cites Bernardi to make up for this deficiency. The Examiner contends that the

motivation to include the verbal commands is to allow remote operation. However, because

Bernardi relates to voice commands for a manually operated camera, there is no reason to expect

that the "remote" range of the Bernardi device is any wider than the computer based

implementation, such as networked elements, of Hayashi. Therefore, the Examiner's proffered

reason for the combination is not supportable.   Therefore, claim 2 is patentable for at least these reasons.

Because claims 3 and 7 include features analogous to that described for claim 2 with respect to the second and third arguments set forth for claim 2, the obviousness rejection of these claims should also be withdrawn. With further regard to claim 3, this claim describes totalization relative to the relationship between the verbal expression first input and correction of the image finally made. The Examiner cites repeated corrections of updated data. Applicant would submit that col. 16 of Hayashi teaches either acceptance of a single correction or reversion to prior uncorrected form. The concept of a repeated update of correction information is not taught as the Examiner states. Therefore, claim 3 is patentable for this additional reason.

Applicant submits that claims 4 and 5 are allowable over Hayashi in view of Bernardi and Wong, at least because of their dependence from claim 3, and because Wong fails to make up for the deficiencies of Hayashi and Bernardi.

With further regard to claim 4, the Examiner contends that Wong discloses the limitation for claim 4 because in Wong, the image data is formed and assembled according to a specific type of archive, which is organized based on image characteristic values . Office Action, paragraph bridging pages 4 and 5. Applicant disagrees. Wong discloses forming the header information and the image data information into the dataset suitable for archiving in the data store. Applicant submits that archiving data is storing the data for future retrieval. Archiving data does not correspond to sorting data. Therefore, Wong fails to disclose sorting image scenes of the images by using image characteristic values of the images and the totalization is

performed for each of the image scenes sorted, as recited in claim 4. Therefore, the obviousness

rejection of claim 4 should be withdrawn for this additional reason.

With further regard to claim 5, the Examiner contends that Wong teaches at least that the

images are sorted according to the laboratory store and/or the individual printer used since the

hospital identification number is given and the acquisition computers are proximate to the

locations where the imaging occurs. Applicant disagrees. Analogous to the reasons explained

above for claim 4, Wong discloses forming the header information, which could include hospital

identification number, and the image data information into the dataset suitable for archiving in

the data store. However, Wong does not disclose sorting image. In addition, the equipment

where the imaging is acquire in Wong is not a printer. Therefore, the Examiner's contention is

incorrect. For these additional reasons, the obviousness rejection of claim 5 should be

withdrawn.

Applicant submits that claim 6 is allowable over Hayashi in view of Bernardi and

Hisatake, at least because it includes features analogous to that described in relation to the

second argument and third argument for claim 2, and because Hisatake fails to make up for the

deficiencies of Hayashi and Bernardi. Additionally, the Examiner cites to various correction

classes as corresponding to a feature "wherein plural image correction condition having different

correcting algorithms are set with respect to the verbal expression." Applicant would submit that

the different corrections of Hayashi reflect a one-to-one correspondence between an algorithm

and the type of correction, whether that correction is made for a copier or a printer. Claim 6

describes plural algorithms for the verbal expression, suggesting a multiple correspondence

between algorithm and expression. Therefore, claim 6 is patentable for at least this reason.

Applicant submits that claims 8 and 13 are allowable, at least because of their dependence from claims 2 and 3, respectively, and because Enomoto fails to make up for the deficiencies of Hayashi and Bernardi.

With regard to the obviousness rejection of claim 9, Applicant submits that claim 9 is allowable because it includes features analogous to that described in relation to the second and arguments for claim 2, and the well-known prior art cited by the Examiner does not make up for the deficiencies of Hayashi and Bernardi.

With regard to the obviousness rejection of claim 10, Applicant submits that claim 10 is allowable, at least because of its dependence from claim 3, and because Higurashi fails to make up for the deficiencies of Hayashi and Bernardi.

With regard to the obviousness rejection of claim 11, Applicant submits that claim 11 is allowable, at least because of its dependence from claim 4, and because Kashiyama fails to make up for the deficiencies of Hayashi, Bernardi and Wong with respect to claim 4. Furthermore, Kashiyama discloses a camera that is arranged to shift the exposure value in the order of correct-exposure, over-exposure and under-exposure. Whereas claim 11 recites that the image scenes are sorted between ordinary scenes, overexposure scenes and underexposure scenes. Applicant submits that the camera disclosed in Kashiyama does not teach how to sort image scenes as described in claim 11. Therefore, claim 11 is allowable for this addition reason.

With regard to the obviousness rejection of claim 12, Applicant submits that the Examiner should either provide a reference on an image correction method wherein the image scenes are sorted between portraits, scenery, night views, underexposure scenes, and high contrast scenes as recited in the claim or remove the rejection of claim 12. It appears that the

Examiner is engaging in impermissible hindsight reconstruction by asserting that the advantage of the claimed feature is obvious.

With regard to the obviousness rejection of claim 14, Applicant submits that claim 14 is allowable, at least because of its dependence from claim 6, and because Enomoto fails to make up for the deficiencies of Hayashi, Bernardi and Hisatake.

With regard to the obviousness rejection of claim 15, Applicant submits that claim 15 is allowable, at least because of its dependence from claim 9, and because Enomoto fails to make up the deficiencies of Hayashi, Bernardi and well-known prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
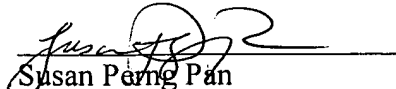
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